



Lamoine Board of Selectmen

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Minutes – September 22, 2016

Chairman Gary McFarland called the meeting to order at 7:00 PM

Present were: Selectmen S. Josephine Cooper, Gary McFarland, Robert Christie, Kathleen Rybarz, Nathan Mason (arrived 7:07 PM); Administrative Assistant Stu Marckoon, Planning Board Chair John Holt, and Robert Alvarez Jr.

Agenda Review – No changes were proposed to the printed agenda or addendum.

Minutes – September 8, 2016 – Kathleen moved to approve the minutes as written. Bob 2nd. **Vote in Favor was 4-0 (Mason had not yet arrived)**

Expenditure Warrant 5 – Selectmen signed the warrant in the amount of \$191,216.50. Stu reported two school payrolls and accounts payable warrants were the big items on the warrant. He said he would likely need to transfer some money from the investment management account to cover the warrant. Bob inquired about the project at the storage garage. Stu reported the project replaced the old siding which had started to disintegrate with T-111 siding.

Cash & Budget Reports – There were no questions regarding the printed reports.

Subdivision Split Complaint – Gary said the Code Enforcement Officer had received a complaint from the Planning Board chair in regard to an alleged illegal lot split in the Misty Way II subdivision and referred the complaint to the Selectmen to seek advice on how to proceed.

Planning Board Chair John Holt restated the complaint that a sale of an existing subdivision lot in 2011 created a 12-lot subdivision without the creation of the required common space in a subdivision of that size. He said the developer, SARJOY, Inc., never sought an amendment to the subdivision when the lot was split. He said that violates both town ordinance and state ordinance, and is significant enough to warrant enforcement action. He said the matter is before the Selectmen to offer guidance to the Code Enforcement Officer (CEO). He said the CEO is obligated to deal with the complaint and should issue a Notice of Violation to SARJOY, Inc, which could either accept that there was a violation or appeal to the Board of Appeals. He said if there is a finding that SARJOY violated, punitive action could be taken, with a fine of up to \$2,500 per violation.

Gary said it sounds like a violation notice would be the correct step, though it's not known if SARJOY is still around. Stu suggested that the town attorney be consulted, because neither the CEO nor he has the experience on how to proceed properly in this matter. Kathleen said it's a clear violation of the subdivision ordinance. Mr. Holt said it's just a complaint about what took place and it's either up to SARJOY or the Board of Appeals to decide.

Bob asked if there has been any communication to SARJOY. Mr. Holt said he spoke with the corporation's president, Steve Joy, about the situation who said the he had done nothing wrong and would get back to him.

Jo asked when it first happened. Mr. Holt said when a lot was sold to the Duquette family in 2011. Nathan asked why this was not brought up 5-years ago. Mr. Holt said neither the CEO nor the Board of Assessors did not bring it up. Jo said the Town issued a building permit to the Duquettes, and that complicates things. Mr. Holt said the Assessors divided up the lot on the property tax map. Nathan said there ought to be a process to alert the town to such things. Discussion followed on the town's actions.

Jo said she is concerned that a town ordinance was apparently ignored, but this is a complicated matter. She said she is reluctant to spend town money on an attorney, but at the same time, the town should avail itself of expertise. She said she isn't sure what to do.

Nathan said the subdivision is now back to an 11-lot subdivision. Mr. Holt explained the chronology of lot sales. Jo said she wasn't sure what the board would want to accomplish. Mr. Holt said the developer of the subdivision sold one lot as two and denied citizens from their common land. A brief discussion followed in regard to the 2011 sale. Jo asked if the new lot owners had made a complaint. Mr. Holt said the complaint is from the Planning Board. He said the developer was aware that a 12-lot subdivision required a common lot, and the evidence indicates that they went under the radar to avoid that requirement. He said the Assessors did not indicate that the lot was part of the subdivision in the tax records.

Bob asked if the CEO in 2011 should have explored whether the lot was part of the subdivision. Mr. Holt said the Duquettes indicated on their building permit application that the lot had not been split from another lot in the past 5-years. Bob asked what the statute of limitations was. There was a brief discussion about how the lot was taxed.

Nathan said he agrees it is a violation, but the town was asleep at the wheel for a 5-year period. Jo said it was proper to call attention to the situation and the town needs to pay attention to such things. She said she'd be willing to consult the town attorney, but she's not sure, and the town may have some fault in this.

Kathleen moved to allow the Code Enforcement Officer to consult with the town attorney on this matter. Nathan asked what would be discussed with the attorney. A brief discussion followed. Bob 2nd. The motion. **Vote was 2-2 (Cooper abstained), it did not pass.**

Stu asked where to go from here. Gary said the Selectmen would like to meet with the CEO on the matter on October 20th.

Lamoine Beach Complaint – Gary noted that a complaint was received regarding maintenance at Lamoine Beach, but when it was observed a couple hours after the complaint, everything looked to be in good shape. Stu said it was an FYI thing, and

while he was sure that likely there were times during the summer that cleaning was needed, it did take place. Nathan suggested maybe the heavy use times would warrant a more than once per week cleaning.

Legal Services Contract – CTV Franchise Agreement – Nathan moved to approve an agreement with town attorney Daniel Pileggi to represent the town on renewing the Cable TV Franchise Agreement. Jo 2nd. **Vote in favor was 5-0, Gary signed the agreement.**

Abatement Appeal – Stu reported the Board of Assessors submitted a response to the Hancock County Commissioners in regard to an abatement hearing which was postponed until October.

Board Chair Meeting – Selectmen had no objection to meeting with the various Board Chairs on October 20th. Gary reviewed the goal. Mr. Holt asked if there was an agenda for the meeting and a brief discussion followed. Jo said the idea was to improve communication between the boards. Nathan said they hope to make this something of a regular item.

Lamoine Quarterly – Stu reported he started putting together the October edition this afternoon and hoped to have it done sometime next week. He said he would e-mail it for edits in hopes of having it ready by October 1st in time for publicity for the October 13th special town meeting.

Goals – Stu reported that he wrote and added some enhancement to the goal list developed during the past two meetings. There was no objection. Jo said she obtained the Maine Guide to Age Friendly Communities. There was a brief discussion about how to proceed, possibly with a small subcommittee.

Budget Goals – A memo from Stu regarding recycling costs was briefly discussed. Stu asked if the Selectmen had any special projects in mind to include in the budget. Kathleen suggested setting aside money for improvements at the transfer station in regard to the layout. Stu said that would likely require engineering. Gary said possibly including an electronic sign in next year's budget. Mr. Holt suggested a bump up in CEO funding.

Shore Access – Gary said he talked with Bob Alvarez Jr. earlier in the day in regard to clam and worm digger shore access and trespassing complaints. Mr. Alvarez said there are 13 licensed commercial diggers who live in Lamoine, and they have access to Raccoon Cove. He said worm diggers are coming to Lamoine from across the state, and have been parking by the former Miro property to access the shore.

Mr. Alvarez said he has been representing the town on the Shellfish Conservation group, but has not been officially appointed to replace Paul Davis at that organization.

Mr. Alvarez said the out of town work diggers seem to cause most of the problems. He said additional access to the shore could cause even more problems, and for the town to

purchase land for such a purpose would be a waste of time. He said the clam diggers access their flats by boat, and there is plenty of access. A brief discussion about enforcement of the shellfish ordinance followed.

Jo said when the board talked about shore access, it was noted that the public has access at the beaches. Mr. Alvarez said the State Park improvements at the boat launch has opened up a lot of access. There was a brief discussion about how the Shellfishing ordinance could be improved.

Mr. Alvarez said the town has been hit hard by clam diggers from the region. A brief discussion followed. Kathleen said the town's representative to the Shellfish Joint Municipal Board (Dick Fennelly) should be invited to the board chair meeting. Nathan cautioned that if the town does acquire shore access land, does it need to be in the real estate business.

Sheriff Thank You – Bob noted that Sheriff Scott Kane sent a nice thank you letter to the fire department in regard to the double fatal accident in Trenton a couple of weeks ago and said this should be included in the Lamoine Quarterly.

Appointment – Jo moved to appoint Miranda Engstrom to the Lamoine 150 committee. Nathan 2nd. **Vote in favor was 5-0.**

Cupola/Bell – Stu asked how many were aware there was a bell in the cupola at the town hall. Jo and Gary said they were. Stu said Facilities Maintenance Director Rick Gallegos spotted it while he was looking at a leak in the roof. Stu said he'd had no idea that it existed. A brief discussion took place on what to do with the bell, and perhaps featuring it during the Lamoine 150 celebration.

Future Meetings – The board will meet next on October 13, 2016 after the special town meeting, on October 20, 2016, November 3 and 17, and December 1 and 15. The January schedule will be set at the next meeting.

There being no further business, the meeting adjourned at 8:15 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen